

Goa, 30th July, 1964

SERIES II No. 31

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# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN  
AND DIU

Secretariat

### ORDER

DR/494/AGR/63/14923

The under-mentioned staff is absorbed in the cadre of the Department of Agriculture, Goa, Daman and Diu on temporary basis and on the same salaries as they are drawing from the respective Budget Head hitherto:

2. — 1. Shri Semium Viegas — Demonstrator.
  2. Shri Antonio Barreto — Field Assistant.
  3. Shri Vistorino Pereira — Field Assistant.
3. — The regular scale will be fixed later.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.  
Panjim, 1st June, 1964.

### ORDER

PD.TE.300.64

Shri Caliana Roguvira Sinai Salcar, M.A., permanent teacher of 9th group class I at present working as Assistant Lecturer in Government Polytechnic, Panjim is posted as Principal, Government Multipurpose High School, Margão and continued in his present post.

Shri Mario Nunes, M.A., permanent teacher of 9th group, Class I is temporarily posted as Principal, Government Multipurpose High School, Margão until further orders.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.  
Panjim, 15th July, 1964.

General Administration Department  
Civil Administration Services

### Order

Whereas the members of the Montepio do Estado da India created by the Diploma Legislativo n.º 1074, dated 4th April 1940 and governed by Portaria n.º 3504 dated 22nd August

(Tradução)  
GOVERNO DE GOA, DAMÃO  
E DIO

Secretaria

### Portaria

DR/494/AGR/63/14926

O pessoal a seguir mencionado é temporariamente absorvido no quadro dos Serviços de Agricultura de Goa, Damão e Dio, com o mesmo vencimento que vem percebendo até a presente data, pela respectiva verba orgamental:

2. — 1. Sr. Semium Viegas — Demonstrator.
  2. Sr. António Barreto — Field Assistant.
  3. Sr. Vistorino Pereira — Field Assistant.
3. — A escala de vencimento regular será fixada ulteriormente.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

A. F. Couto, Comissário de Fomento.  
Pangim, 1 de Junho de 1964.

### Portaria

PD.TE.300.64

O Sr. Caliana Roguvira Sinai Salcar, M.A., professor permanente do 9.º grupo, classe I, presentemente exercendo as funções de professor assistente (assistant lecturer) da Politécnica do Governo em Pangim, é colocado como director da «Government Multipurpose High School», em Margão e mantido no seu cargo que presentemente desempenha.

O Sr. Mário Nunes, M.A., professor permanente do 9.º grupo, classe I, é temporariamente colocado como director da «Government Multipurpose High School», em Margão, até ordens ulteriores.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

A. F. Couto, Comissário de Fomento.  
Pangim, 15 de Julho de 1964.

Departamento da Administração Geral  
Serviços de Administração Civil

### Portaria

Considerando que os sócios do Montepio do Estado da India, criado pelo Diploma Legislativo n.º 1074, de 4 de Abril de 1940 e regulamentado pela Portaria n.º 3504, de 22 de Agosto do

1940 resolved in its General Assembly meeting held on 15-11-1962, that the said Montepio shall be wound up AND Whereas it is found necessary to appoint a liquidator to administer and to manage Assets and Liabilities of the said Montepio, the Government of Goa, Daman and Diu is pleased to make the following order:

1. Shri Rajarama Hede, Deputy Commissioner for Taxes, is hereby appointed as a Liquidator to «Montepio do Estado da India».

2. He shall have all the powers of a Liquidator as laid down in Sec. 134 of the Portuguese Commercial Code (Código Commercial Português) as well as such powers of management and administration as may be necessary for the discharge of his duties as Liquidator.

3. The Liquidator may engage the staff on temporary basis as per his requirement for checking up the account and helping the Liquidator in case he finds that the services of the present staff of the said Montepio are insufficient.

4. The present managing committee of the said Montepio shall follow the particulars laid down in Sec. 132 and such other sections of the said Commercial Code, relating thereto.

5. Notwithstanding anything contained in foregoing sections the present pensioners receiving pensions from the said Montepio shall continue to receive the same until final decision is taken about the amount of the compensation to be paid to them.

The Lieutenant Governor

M. R. Sachdev

Panjim, 28th July, 1964.

Order

Ramachandra Sinai Sansguiri, 3rd grade clerk of Quelossim Comunidade — retired with a final pension of Rs. 3290/- relating to more than 45 years of service rendered to the Comunidades, calculated in pursuance of articles 445 and 447 of Civil Service Regulation, on the basis of salary corresponding to letter «S», in consonance with the provision of Order no. 7991, dated 30-3-1961, and article 644 of Code of Comunidades, approved by Order no. 2070, dated 15-4-1961.

The same pension will be paid by «Caixa de Aposentações dos Empregados das Comunidades».

The said retired clerk has to pay Rs. 1349/- by way of compensation in 96 monthly instalments in accordance with the article 4 of the Decree no. 42325, dated 16-6-1959.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

Sripad Anant Nadkarni, Ex-officio Secretary.

Panjim, 23rd July, 1964.

By notification dated 17th July, 1964:

The opinion of the Health Board expressed in its session dated 16th July, 1964, considering Shri Basilio Caetano Filipe Dias, bailiff of the Administration of Bardez Comunidades, physically fit to continue in service, is accepted.

Office of the Registrar of Societies

Orders

DCA/RS/64/8685

In exercise of the powers vested in Director of Civil Administration, Panjim, under Government Notification dated 6th June, 1964, published in the Government Gazette no. 24, Series II, dated 11th June, 1964, the Society of the Franciscan Sisters of Mary of Caranzalem Ilhas Goa, is registered at Serial no. 3 of 1964, under the Societies Registration Act, 1860.

Sripad Anant Nadkarni, Registrar of Societies and Director of Civil Administration.

Panjim, 21st July, 1964.

mesmo ano, reunidos em assembleia geral em 15 de Novembro de 1962, deliberaram que o referido Montepio devia ser dissolvido.

Atendendo a que se torna necessário nomear um liquidatário para administrar e gerir o activo e o passivo do mesmo Montepio, o Governo de Goa, Damão e Diu determina o seguinte:

1 — O Sr. Rajarama Hede, Comissário Adjunto de Impostos é nomeado liquidatário do Montepio do Estado da India.

2 — O referido Sr. Hede terá todos os poderes de liquidatário de harmonia com o disposto no artigo 134.<sup>o</sup> do Código Commercial Português, bem assim demais outros poderes de diligência e administração que forem necessários para o desempenho das suas funções de liquidatário.

3 — O liquidatário poderá admitir, temporariamente e segundo as necessidades, o pessoal que for preciso para verificação das contas e para o auxiliar nos casos em que ele achar que os serviços do pessoal existente do referido Montepio não são suficientes.

4 — A actual direcção do referido Montepio observará o que se acha estatuído no artigo 132.<sup>o</sup> e nas demais outras disposições correlacionadas, do citado Código Comercial.

5 — Sem embargo do disposto nos números que precedem, os actuais pensionistas que recebem pensão do referido Montepio continuarão a receber-lá até que seja tomada uma decisão final quanto ao quantitativo da compensação a ser-lhes paga.

O Governador-tenente

M. R. Sachdev

Pangim, 28 de Julho de 1964.

Portaria

Ramachandra Sinai Sansguiri, escrivão de 3.<sup>a</sup> classe da comunidade de Quelossim — aposentado, com a pensão definitiva anual de Rps. 3290/-, relativa a mais de 45 anos de serviço prestado às comunidades, calculada nos termos dos artigos 445.<sup>o</sup> e 447.<sup>o</sup> do Estatuto do Funcionalismo Ultramarino, com base nos vencimentos do grupo S de harmonia com a Portaria n.<sup>o</sup> 7991, de 30 de Março de 1961, e artigo 644.<sup>o</sup> do Código das Comunidades, aprovado pelo Diploma Legislativo n.<sup>o</sup> 2070, de 15 de Abril de 1961.

O respectivo encargo será satisfeito pela competente verba da tabela de despesa do orçamento ordinário da Caixa de Aposentações dos Empregados das Comunidades, para o corrente ano, sendo devida nos termos do § 2.<sup>o</sup> do artigo 4.<sup>o</sup> do Decreto n.<sup>o</sup> 42325, de 16 de Junho de 1959, a indemnização de Rps. 1349/-, correspondente a 32 anos e 2 meses de serviço, a ser paga em 96 prestações mensais.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Diu.

Sripad Anant Nadkarni, Secretário ex-officio.

Pangim, 23 de Julho de 1964.

Por despacho de 17 de Julho de 1964:

Basilio Caetano Filipe Dias, oficial de diligências da Administração das Comunidades de Bardez — confirmado e parecido da Junta de Saúde, emitido em sua sessão de 16 do corrente mês, no sentido de que a sua validade física permite a continuação na actividade do serviço.

Repartição do Registrador de Sociedades

Portarias

DCA/RS/64/8685

No uso das facultades conferidas ao director dos Serviços de Administração Civil, em Pangim, por portaria de 6 de Junho de 1964, publicada no Boletim Oficial n.<sup>o</sup> 24, 2.<sup>a</sup> série de 11 de Junho de 1964, a «Society of the Franciscan Sisters of Mary», de Caranzalem, Thas, Goa, é registada sob n.<sup>o</sup> 3 de ordem, de 1964, ao abrigo de «The Societies' Registration Act, 1860».

Sripad Anant Nadkarni, Registrador de Sociedades e Director dos Serviços de Administração Civil.

Pangim, 21 de Julho de 1964.

DCA/RS/64/3727

In exercise of the powers vested in Director of Civil Administration, Panjim, under Government Notification dated 6th June, 1964, published in the Government Gazette no. 24, Series II, dated 11th June, 1964, the St. Joseph's Educational Society of Goa is registered at Serial no. 4 of 1964, under the Societies Registration Act, 1860.

*Sripad Anant Nadkarni*, Registrar of Societies and Director of Civil Administration.

Panjim, 21st July, 1964.

DCA/RS/64/3741

In exercise of the powers vested in Director of Civil Administration, Panjim, under Government Notification dated 6th June, 1964, published in the Government Gazette no. 24, Series II, dated 11th June, 1964, the Society of Sisters of the Cross, Siolim Bardez, Goa is registered at Serial no. 5 of 1964, under the Societies Registration Act, 1860.

*Sripad Anant Nadkarni*, Registrar of Societies and Director of Civil Administration.

Panjim, 22nd July, 1964.

Directorate of Civil Administration Services, of Goa, 30th July, 1964.—The Director, *Sripad Anant Sinai Nadkarni* (Ex-officio Secretary).

#### Office of the Civil Administrator Diu

- Read: 1. This office order no. CAD/13/1987 dated 6-12-63.  
 2. Letter no. EDN/4102/9401 dated 6-4-64 from the Deputy Secretary, Govt. of Goa, Daman and Diu.  
 3. Order no. EST/EDN/35 dated 11-6-64 from the Administrative Officer Surendranagar.  
 4. Duty Resume report of Smt. Nirmalaben Tarachand Dasadia.

Order

CAD/13/611

As per order no. EST/EDN/35 dated 11-6-64 from the Administrative Officer Surendranagar (Gujrat State) Smt. Nirmalaben Tarachand Dasadia, Assistant Teacher, Girls School Limbdi is transferred and her services placed at the disposal of the Civil Administration Diu with the condition that her lien will not be kept in District Panchayat Surendranagar. Accordingly she has reported here for duty on 13-6-64 BN.

It is hereby ordered that Smt. Nirmalaben Tarachand Dasadia is appointed as Primary School Teacher in B. L. Vidyalaya Diu w. e. from 13-6-64 BN vice Shri Navnitbharti Manubharti transferred.

Shri Navnitbharti Manubharti Primary School teacher B. L. Vidyalaya is transferred to Government Primary School Ghoola vice Smt. Saryubala Shantilal transferred.

*I. V. Sindhi*, Civil Administrator Diu,

Diu, 16th June, 1964.

#### Planning and Development Department

##### Development Department

Order

CDB/3748/19300

- Read:— 1. Application of Shri A. B. Bhavsar, Block Development Officer, Satari (Valpoi) dated 10-7-64.  
 2. Do — dated 16-7-64.

Leave for 36 days from 10-7-64 to 15-8-64 is hereby granted to Shri A. B. Bhavsar, Block Development Officer Satari (Valpoi).

The nature of leave will be notified later. After expiry of leave he is reposted at Satari (Valpoi). Shri S. R. Sawant,

DCA/RS/64/8727

No uso das faculdades conferidas ao director dos Serviços de Administração Civil, por despacho de 6 de Junho de 1964, publicado no Boletim Oficial n.º 24, 2.ª série, de 11 de Junho de 1964, a «St. Joseph's Educational Society», de Goa, é registada sob o n.º 4 de ordem, de 1964, ao abrigo de «The Societies Registration Act, 1860».

*Sripad Anant Nadkarni*, Registador de Sociedades e Director dos Serviços de Administração Civil.

Pangim, 21 de Julho de 1964.

DCA/RS/64/8741

No uso das faculdades conferidas ao director dos Serviços de Administração Civil, por despacho de 6 de Junho de 1964, publicado no Boletim Oficial n.º 24, 2.ª série, de 11 de Junho de 1964, a «Society of Sisters of the Cross», de Siolim, Bardez, Goa, é registada sob o n.º 5 de ordem, de 1964, ao abrigo de «The Societies Registration Act, 1860».

*Sripad Anant Nadkarni*, Registador de Sociedades e Director dos Serviços de Administração Civil.

Pangim, 22 de Julho de 1964.

Direcção dos Serviços de Administração Civil, em Goa, 30 de Julho de 1964.—O Director, *Sripad Anant Sinai Nadkarni* (Secretário ex-officio).

#### Repartição do Administrador Civil de Dio

- Ref: 1. Portaria n.º CAD/13/1987 de 6 de Dezembro de 1963.  
 2. Carta n.º EDN/4102/9401, de 6 de Abril de 1964, do Secretário adjunto do Governo de Goa, Damão e Dio.  
 3. Portaria n.º EST/EDN/35, de 11 de Junho de 1964, do oficial administrativo de Surendranagar.  
 4. Declaração da Sr.ª Nirmalaben Tarachand Dasadia de ter-se apresentado ao serviço.

Portaria

CAD/13/611

Nos termos da portaria n.º EST/EDN/35, de 11 de Junho de 1964 do oficial administrativo de Surendranagar (Estado de Gujerate), a Sr.ª Nirmalaben Tarachand Dasadia, professora assistente da «Girls School», de Limbdi, é transferida e os seus serviços são postos à disposição da Administração Civil de Dio, com a condição de que não será mantido o seu vínculo no Panchayat Distrital de Surendranagar. De acordo com tal a mesma apresentou-se ao serviço em 13 de Junho de 1964.

A Sr.ª Nirmalaben Tarachand Dasadia é nomeada professora primária da «B. L. Vidyalaya», em Dio, com efeito a partir de 13 de Junho de 1964, em substituição do Sr. Navnitbharti Manubharti, que foi transferido.

O Sr. Navnitbharti Manubharti, professor primário da «B. L. Vidyalaya» é transferido para a escola primária oficial de Dio, em substituição da Sr.ª Saryubala Shantilal, que foi transferida.

*I. V. Sindhi*, Administrador Civil de Dio.

Dio, 16 de Junho de 1964.

#### Departamento de Planificação e Fomento

##### Departamento de Fomento

Portaria

CDB/3748/19300

- Ref:— 1. Requerimento do Sr. A. B. Bhavsar, Block Development Officer, Satari (Valpoi), datado de 10-7-64.  
 2. Idem, datado de 16-7-64.

São concedidos ao Sr. A. B. Bhavsar, Block Development Officer, de Satari (Valpoi), trinta e seis dias de licença desde 10 de Julho a 15 de Agosto de 1964.

A natureza da licença será definida ulteriormente. Após o termo da licença, o Sr. Bhavsar reassumirá as suas funções

Block Development Officer, Bicholim, should look to his work in addition to his own duties.

By order and in the name of the Administrator of the União Territory of Goa, Daman and Diu.

D. V. Savant, Deputy Secretary (Health).

Panjim, 21st July, 1964.

#### General Statistics Department

By orders dated 24th July, 1964:

Maria Antonieta dos Lourdes de Menezes, 3rd grade officer of the General Statistics Department, officiating as 2nd grade officer in the same Department, as published in Government Gazette, nos. 47 and 35, Series II, of 22nd November, 1962 and 29th August, 1963 is hereby continued to officiate in the same post, until further orders, with effect from 2nd August, 1964.

Datarama Vimalka Raicar, «aspirante» of the General Statistics Department, officiating as 3rd grade officer in the same Department, as published in Government Gazette, nos. 47 and 35, Series III, of 22nd November, 1962 and 29th August 1963 is hereby continued to officiate in the same post, until further orders, with effect from 2nd August 1964.

Luis Gonzaga Jesus Vitorino Santana Fernandes Sales, «aspirante» of the General Statistics Department, officiating as 3rd grade officer in the same Department, as published in Government Gazette no. 35, Series III, of 31st August, 1961, and renewed and published on 13th September, 1962 and 22nd August 1963 (Government Gazette nos. 37 and 34, Series II) is hereby continued to officiate in the same post, until further orders, with effect from 31st August, 1964.

General Statistics Department, Goa, 24th July, 1964. — The Chief of the Department Jose C. Almeida.

#### Education, Public Health and Public Works

##### Department of Education

By orders dated 10th instant:

Maria Jose Matildes Julia Francisca Pudenciana da Gama, who had been admitted as a teacher on permanent basis in the Government Primary School of Colem, by order dated 31-5-1957, is relieved of that post at her own request.

Pramila Lakhoba Sar Dessai, who had been admitted as a temporary teacher in the Government Primary School of Chincholem-Taleigão, by order dated 6-6-1963, is relieved of that post at her own request.

Shashicanta Ragavendra Acharya, who had been admitted as a temporary teacher in the Government Primary School of Chinchinim, by order dated 6-6-1963, is relieved of that post at his own request, with effect from the 15th of June last.

Vassudeva Ramchandra Dhavalikar, who had been admitted as a temporary teacher in the Government Primary School of Amoná, by order dated 6-6-1963, is relieved of that post at his own request.

##### Declaration

For the purposes deemed necessary, it is hereby declared that the Committee appointed by the Government, in accordance with the article 20 of Government Order no. 7176 of 1-3-1958, in order to conduct the «Exame de Estado» in the Government Teacher's Training School, is as follows:

- 1 — Director of Education — Chairman.
- 2 — Director of Normal School — Secretary.
- 3 — Teacher of Didactics of Normal School.
- 4 — Inspector, Carlos Xavier.
- 5 — Primary teacher, Quessova Bembro.

Direcção do Departamento de Educação, at Goa, 24th July, 1964. — The Deputy Director, M. H. Sar Dessai.

em Satari (Valpoi). Durante o seu impedimento, o Sr. S. R. Sawant, Block Development Officer de Bicholim, exercerá as suas funções, cumulativamente com as do seu cargo.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Diu.

D. V. Savant, Secretário Adjunto (Saúde).

Pangim, 21 de Julho de 1964.

#### Repartição de Estatística Geral

Por portarias de 24 de Julho de 1964:

Maria Antonieta dos Lourdes de Menezes, terceiro-oficial da Repartição de Estatística Geral, exercendo interinamente as funções de segundo-oficial da mesma Repartição, como consta do Boletim Oficial n.º 47 e 35, 2.ª série, de 22 de Novembro de 1962 e 29 de Agosto de 1963 — autorizada a continuação no exercício do dito cargo a partir de 2 de Agosto de 1964 e até ordens ulteriores.

Datarama Vimalka Raicar, aspirante da Repartição de Estatística Geral, exercendo interinamente as funções de terceiro-oficial da mesma Repartição, como consta do Boletim Oficial n.º 47 e 35, 2.ª série, de 22 de Novembro de 1962 e 29 de Agosto de 1963 — autorizada a continuação do exercício do dito cargo a partir de 2 de Agosto de 1964, e até ordens ulteriores.

Luis Gonzaga Jesus Vitorino Santana Fernandes Sales, aspirante da Repartição de Estatística Geral, exercendo interinamente as funções de terceiro-oficial da mesma Repartição, como consta do Boletim Oficial n.º 35, 2.ª série, de 31 de Agosto de 1961, n.º 37, de 13 de Setembro de 1962 e n.º 34, de 22 de Agosto de 1963 — autorizada a continuação do exercício do dito cargo a partir de 31 de Agosto de 1964 e até ordens ulteriores.

Repartição de Estatística Geral, em Goa, 24 de Julho de 1964. — O Chefe da Repartição, José C. Almeida.

#### Instrução, Saúde Pública e Obras Públicas

##### Serviços de Instrução

Por portarias de 10 do corrente:

Maria José Matildes Júlia Francisca Pudenciana da Gama — exonerada, a seu pedido, do lugar de professora do quadro da escola primária oficial de Colém, para que havia sido nomeada por portaria de 31 de Maio de 1957.

Pramila Lakhoba Sar Dessai — exonerada, a seu pedido, do lugar de professora temporária da escola primária oficial de Chincholem-Taleigão, para que havia sido nomeada por portaria de 6 de Junho de 1963.

Shashicanta Ragavendra Acharya — exonerado, a seu pedido do lugar de professor temporário da escola primária oficial de Chinchinim, para que havia sido nomeado por portaria de 6 de Junho de 1963, a partir de 15 de Junho último.

Vassudeva Ramchandra Dhavalikar — exonerado, a seu pedido, do lugar de professor temporário da escola primária oficial de Amoná, para que havia sido nomeado por portaria de 6 de Junho de 1963.

##### Declaração

Para os devidos efeitos se declara que o júri do «Exame de Estado» da Escola Normal Luís de Camões, constituído nos termos da Portaria n.º 7176, de 1 de Março de 1958 e aprovado superiormente, foi o seguinte:

- 1 — O Director de Instrução — Presidente.
- 2 — O Director da Escola Normal — Secretário.
- 3 — O Professor de Didáctica da Escola Normal.
- 4 — O Inspector Carlos Xavier.
- 5 — O Professor primário Quessova Bembro.

Direcção dos Serviços de Instrução, em Goa, 24 de Julho de 1964. — O Director adjunto, M. H. Sar Dessai.

## Goa Medical College

## Orders

Dr. Purxotoma Padmanaba Caroicar, «médico interno» of Goa Medical School Hospital — relieved of the post of médico interno, at his request.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

D. V. Savant, for Development Commissioner.

Panjim, 20th July, 1964.

Dr. Elmano Santana do Rosario Rego — appointed temporarily to the post of «Medico interno» in the Hospital Escolar attached to Goa Medical College, Panjim vice Dr. Purxotoma Padmanaba Caroicar resigned.

The expenditure should be debited to the Major Head 29-C-Medical-Hospital and Dispensaries.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

D. V. Savant, Deputy Secretary (Health).

Panjim, 22nd July, 1964.

Dr. Dinanath Atmarama Aldoncar, «médico interno» of Goa Medicinal School Hospital — relieved of the post of «médico interno» at his request.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

Panjim, 23rd July, 1964.

Dr. Aleixo Honorato Filomeno de Assunção Xavier Martins — appointed temporarily to the post of «Médico interno», in the Goa Medical School Hospital attached to the Goa Medical College vice Dr. Dinanath Atmarama Aldoncar resigned.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

D. V. Savant, Deputy Secretary (Health).

Panjim, 24th July, 1964.

Goa Medical College, at Panjim, 27th July, 1964. — J. M. Pacheco de Figueiredo, Dean.

## Health Department

## Orders

Nalini Shankhwalkar is temporarily appointed to the post of clerk-typist in the Family Planning centre of the Directorate of Health Services on a pay of Rs. 110/- p.m. in the scale of Rs. 110-3-131-4-155-EB-4-175-5-180 plus all other allowances admissible against the post created in Government Order no. DDF-376-FYP-63/14382 dated 29th June, 1963.

The expenditure should be debited to Major Head — 30 — Public Health — D (1) 5 Development Schemes.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

D. V. Savant, Deputy Secretary (Health).

Panjim, 14th July, 1964.

Dr. Srivanta Xantarama Sinai Odarcar, Rural Medical Officer, at present serving at the Rural Dispensary of Arabó-Dargalim (Perném) is transferred due to convenience of service to the Rural Dispensary of Nadorá-Revora (Bardez).

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

Panjim, 26th July, 1964.

## Faculdade de Medicina de Goa

## Portarias

Dr. Purxotoma Padmanaba Caroicar — exonerado, a seu pedido, do lugar de médico interno do Hospital Escolar de Goa.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

D. V. Savant, pelo Comissário de Fomento.

Pangim, 20 de Julho de 1964.

Dr. Elmano Santana do Rosario Rego — nomeado temporariamente médico interno do Hospital Escolar anexo à Faculdade de Medicina de Goa, em Pangim, em substituição do Dr. Purxotoma Padmanaba Caroicar, que foi exonerado a seu pedido.

O respectivo encargo será satisfeito pela verba «Major Head 29-C-Medical Hospital and Dispensaries».

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

D. V. Savant, Secretário adjunto (Saúde).

Pangim, 22 de Julho de 1964.

Dr. Dinanath Atmarama Aldoncar, médico interno do Hospital Escolar de Goa — exonerado, a seu pedido, do referido cargo.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

A. F. Couto, Comissário de Fomento.

Pangim, 23 de Julho de 1964.

Dr. Aleixo Honorato Filomeno de Assunção Xavier Martins — nomeado, temporariamente, médico interno do Hospital Escolar anexo à Faculdade de Medicina de Goa, em substituição do Dr. Dinanath Atmarama Aldoncar, exonerado a seu pedido.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

D. V. Savant, Secretário adjunto (Saúde).

Pangim, 24 de Julho de 1964.

Faculdade de Medicina de Goa, em Pangim, 27 de Julho de 1964. — J. M. Pacheco de Figueiredo, Dean.

## Serviços de Saúde

## Portarias

Nalini Shankhwalkar — nomeada temporariamente clerk-typist da Family Planning Centre dos Serviços de Saúde na escala de vencimentos de Rps. 110-3-131-4-155-EB-4-175-5-180 e outras gratificações admissíveis, no lugar criado pela Portaria n.º DDF-376-FYP-63/14382, de 29 de Junho de 1963.

A despesa deverá correr pela verba do orçamento «Major Head — 30 — Public Health — D (1) 5 Development Schemes».

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

D. V. Savant, Secretário adjunto (Saúde).

Pangim, 14 de Julho de 1964.

Dr. Srivanta Xantarama Sinai Odarcar, médico rural, em serviço no Centro Rural de Arabó-Dargalim (Perném) — transferido por conveniência do serviço para o Centro Rural de Nadorá-Revora (Bardês).

Por ordem e em nome do Administrador do território da União de Goa, Damão e Dio.

A. F. Couto, Comissário de Fomento.

Pangim, 23 de Julho de 1964.

Dr. Alvaro Anastasio Caetano de Bom Parto Pereira is temporarily appointed Rural Medical Officer of Health Services, in the vacancy of Dr. Jose Pedro Miguel Rodrigues, who resigned, and posted at the Rural Dispensary of Arabo-Dargalim (Pernem).

Dr. Pereira is appointed on the Central Government scale of pay of Rs. 325-25-500-30-590-EB-30-800, plus other allowances admissible under rules.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

A. F. Couto, Development Commissioner.

Panjim, 23rd July, 1964.

PDD/HS/1653/64/18478

Sister Delphina Rasquinha is temporarily appointed to the post of Sister tutor on a pay of Rs. 250/- p.m. in the scale of Rs. 250-10-290-15-380 plus other allowances with effect from 1st May 1964 in the Nursing School under Directorate of Health Services, Panjim, against the post created in Government Order no. PDD/HS/4776/64/5723 dated 3rd March 1964.

The expenditure should be debited to Major Head — 30 — Public Health — D 1(5) Development Schemes (Plan).

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

D. V. Savant, Deputy Secretary (Health).

Panjim, 13th July, 1964.

Directorate of Health Services, Goa, 24th July, 1964. — The acting Director, Ananta Camotim Vaga.

### Finance Department

#### Department of Revenue and Taxes

By order dated 20th July, 1964:

Servashri Visvonta Ananta Parcar and Esvonta Xete Pernencar, candidates classified in the competitive test — are hereby temporarily appointed to the post of U. D. Cs of the Department of Revenue and Taxes in the scale of Rs. 130-5-160-8-200-EB-256-EB-8-280-10-300, plus allowances as permissible under the rules against the posts sanctioned in Order no. FA/30258, dated 18-12-1963.

Department of Revenue and Taxes, 21st July, 1964. — The Commissioner, Carmo de Noronha.

### Law Department

#### Order

61/A/64

The temporary appointment of Shri Manuel Xavier Aleixo Gomes e Sousa to the post of clerk of «Delegação da Procuradoria da República da Comarca de Bicholim», made by order dated 6th August, 1963, published in the Government Gazette no. 37, Series II, dated 12th September of the same year, is renewed with effect from 16th August 1964, for further period of one year.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

S. Balakrishnan, Law Secretary.

Panjim, 21st July, 1964.

#### Declaration

By order dated 4th instant, of the «Juiz de Direito» in the Comarca of Ilhas de Goa, the temporary appointment of Shri Jose Paulo Martinho Benedito Dias to exercise the duties of assistant of the accountant-distributor of the Judicial Court of the said Comarca, has been renewed. The said Dias took charge of the post and began his duties on the same date the 4th instant.

S. Balakrishnan, Law Secretary.

Panjim, 23rd July, 1964.

Dr. Alvaro Anastasio Caetano de Bom Parto Pereira — nomeado temporariamente médico rural dos Serviços de Saúde na vaga resultante da exoneração do Dr. José Pedro Rodrigues e colocado no Centro Rural de Arabo-Dargalim (Perném).

O Dr. Pereira é nomeado na escala do Governo Central de Rps. 325-25-500-30-590-EB-30-800, e outras gratificações aprovadas.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Diu.

A. F. Couto, Comissário de Fomento.

Pangim, 23 de Julho de 1964.

PDD/HS/1653/64/18478

Irmã Delphina Rasquinha — nomeada, temporariamente, Sister Tutor com o vencimento mensal de Rps. 250/- na escala de Rps. 250-10-290-15-380 e outras gratificações, a partir de 1 de Maio de 1964, na escola de enfermagem dos Serviços de Saúde, no lugar criado pela Portaria n.º PDD/HS/4776/64/5723, de 23 de Março de 1964.

A despesa deve correr pela verba «Major Head» — 30 — Public Health — D 1(5) Development Schemes (Plan).

Por ordem e em nome do Administrador do território da União de Goa, Damão e Diu.

D. V. Savant, Secretário adjunto (Saúde).

Pangim, 13 de Julho de 1964.

Direcção dos Serviços de Saúde, em Goa, 24 de Julho de 1964. — O Director, interino, Ananta Camotim Vaga.

### Departamento de Finanças

#### Departamento de Rendimentos e Impostos

Por portaria de 20 de Julho de 1964:

Visvonata Ananta Parcar e Esvonta Xete Pernencar, candidatos classificados no respectivo concurso — nomeados, temporariamente, para os lugares de U. D. Cs do Departamento de Rendimentos e Impostos na escala de Rps. 130-5-160-8-200-EB-256-EB-8-280-10-300, com outros subsídios admissíveis, nas vagas criadas pela Portaria n.º FA/30258, de 18 de Dezembro de 1963.

Departamento de Rendimentos e Impostos, em Pangim, 21 de Julho de 1964. — O Comissário, Carmo de Noronha.

### Departamento de Justiça

#### Portaria

61/A/64

Manuel Xavier Aleixo Gomes e Sousa — renovada, com efeito a partir de 16 de Agosto de 1964, por mais um ano, a nomeação interina para o lugar de aspirante da Delegação da Procuradoria da República da comarca de Bicholim, efectuada por portaria de 6 de Agosto de 1963, publicada no Boletim Oficial n.º 37, 2.ª série, de 12 Setembro do mesmo ano.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Diu.

S. Balakrishnan, Secretário de Justiça.

Pangim, 21 de Julho de 1964.

#### Declaração

Para os fins convenientes se declara, que por despacho de 4 do corrente mês, do Ex.º Juiz de Direito da comarca das Ilhas de Goa, foi renovada a nomeação interina do Sr. José Paulo Martinho Benedito Dias, para exercer as funções de auxiliar do contador-distribuidor da mesma comarca, tendo o dito Dias tomado posse e entrado no exercício das suas funções na mesma data 4 do corrente mês.

S. Balakrishnan, Secretário de Justiça.

Pangim, 23 de Julho de 1964.

## Judicial Commissioner's Court of Goa, Daman and Diu

## Order

L. D. 62/64

Applications are invited for the following posts created in the Court of the Judicial Commissioner of Goa, Daman and Diu, for a period of one year in the first instance:

| Posts        | Scale of Pay   | Qualification   |
|--------------|--|---|
| 1 Translator | 210-10-290-15-320-<br>-EB-15-425 plus<br>allowances at<br>Central Govern-<br>ment rates          | Minimum S. S. C. and<br>corresponding course<br>in Portuguese, with<br>fair knowledge of Ma-<br>rathi and Konkani |
| 1 Typist     | 110-3-131-4-155-EB-4-<br>-175-5-180, plus al-<br>lowances at Cen-<br>tral Government as<br>above | S. S. C. or equivalent<br>qualification with typ-<br>ing speed of not less<br>than 40 words p. m.                 |

2. In the case of typist post, preference shall be given to those with fair knowledge of English and Portuguese.

3. The applications, addressed to the Judicial Commissioner, should reach the Office of the Court of Judicial Commissioner of Goa, Daman and Diu, within 10 days from the date of publications of this Order.

Alvaro Jose Maria da Silva Dias, Judicial Commissioner of Goa, Daman and Diu.

Panjim, 25th July, 1964.

## Industries and Labour Department

## Order

LC/1/64

The following award given by the Industrial Tribunal on the Industrial Dispute between the Vimson Workshop of Messrs. V. M. Salgaonkar & Irmão Ltd.<sup>a</sup>, at Cortalim, Goa, and the workmen employed under them, is hereby published as required vide provisions of section 17 of the Industrial Disputes Act, 1947:—

## Before Shri S. Taki Bilgrami, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 1 of 1964

Adjudication  
between

The Vimson Workshop of M/s. V. M. Salgaonkar e Irmão Ltd.<sup>a</sup>, at Cortalim,  
and

The workmen employed under them.  
In the matter of reinstatement of Shri V. M. Lobo,  
with full back wages.

Appearances: Shri L. A. Correia for the company.

Shri M. Nair for the workmen.

## AWARD

This is a reference under Sec. 10(1)(d) of the Industrial Disputes Act, XIV of 1947, by the Government of Goa, Daman and Diu for adjudication of a dispute between Vimson Workshop of M/s. V. M. Salgaonkar e Irmão Ltd.<sup>a</sup>, at Cortalim, Goa and the workmen employed under them which arises over the following demand by the workmen:

1. Shri M. V. Lobo should be reinstated in service in the same capacity with retrospective effect and that he should be paid his full wages for the period from the date of the termination of his services till the date of his reinstatement.

2. The union says in its statement of claim, that Shri Lobo, who was working as a Store-Keeper in the Vimson Workshop at Cortalim was accused of behaving rudely towards the

## Tribunal do Comissário Judicial de Goa, Damão e Dio

## Aviso

L. D. 62/64

Acceptam-se pedidos para o provimento dos lugares a seguir indicados criados, inicialmente, por período de um ano, no Tribunal do Comissário Judicial de Goa, Damão e Dio:

| Lugares        | Escola de vencimento   | Habilidades   |
|----------------|--|---|
| 1 tradutor     | 210-10-290-15-320-EB-<br>-15-425, acrescida de outras gratificações segundo os quantitativos fixados pelo Governo Central    | Mínima habilitação de S. S. C. ou curso correspondente em português com conhecimento suficiente de Marata e Konkani |
| 2 Dactilógrafo | 110-3-131-4-155-EB-4-175-<br>-5-180, acrescida de outras gratificações segundo os quantitativos fixados pelo Governo Central | S. S. C. ou habilitação equivalente com velocidade de dactilografia de 40 palavras por minuto.                      |

2. Para o lugar de dactilógrafo, será dada preferência aos que tenham conhecimento suficientes de inglês e português.

3. Os pedidos, dirigidos ao Comissário Judicial, deverão dar entrada na secretaria do Tribunal do Comissário Judicial de Goa, Damão e Dio, dentro do prazo de 10 dias contados da publicação deste aviso.

Alvaro José Maria da Silva Dias, Comissário Judicial de Goa, Damão e Dio.

Pangim, 25 de Julho de 1964.

Engineer-in-charge of the Cortalim Workshop on 17th December 1963 and asked to leave the workshop. On the same day, the Union approached the Conciliation Officer of the Government of India at Vasco da Gama to intervene in the matter, and a joint discussion was held, through the mediation of the conciliation officer. It was agreed upon by the parties, that Shri Lobo will be taken back on work on 23rd December 1963. The management however ignored this agreement, and held an inquiry on 21st December 1963 in which an additional charge of dishonesty in connection with the company's property was brought against Shri Lobo. The inquiry was resumed on 24th December 1963. The management reinstated him on 26th December 1963 but demoted him to the post of a time-keeper, pending inquiry about certain other charges. What these charges were, was not disclosed at that time. Then by their letter dated 14th January 1964, the company communicated to Shri Lobo, that it has found him guilty of the misconduct with which he was charged on 21st December 1963, and his services are terminated with immediate effect. The dispute was thereupon raised by the Union, and the matter went to the Conciliation Officer Central. The proceedings were then transferred on objection of the company to the jurisdiction of that Conciliating Officer, to the Labour Commissioner and Conciliation Officer of the Government of Goa, Daman and Diu. There was a settlement there, that the workman should be allowed to join duty on 23rd December 1963; but in spite of this, he was not allowed to resume duty on that date, and subsequently as stated above, his services were terminated on another charge. It is pointed out by the union that the Conciliation Officer has also considered that under the circumstances, the termination of services of Shri Lobo on 14th January 1964 on the basis of further investigation was irregular. Further the union states that under these circumstances the termination of the services of Shri Lobo was illegal and improper and prays that he may be reinstated with full back wages and compensation.

3. The company in its reply filed on 14th May 1964 says, that Shri Lobo was suspended on 17th December 1963 for disorderly behaviour. An inquiry was to be conducted about this on the following day, but the union threatened the company with a strike. The company had no other alternative but to seek the good offices of the Conciliation Officer for the withdrawal of the threat of strike, and signed an undertaking on 18th December 1963 that Shri Lobo would be taken back on work on 23rd December 1963. An inquiry into the matter was held however subsequently, and a charge sheet was issued to Shri Lobo on 18th December 1963. On 21st December 1963 in the course of inquiry it was learnt, that about

10 bags of cement from the stores were missing, and Shri Lobo the store keeper of the company was unable to account for them. As 22nd was a Sunday, and on the following day it was not possible to get the attendance of witnesses, the inquiry was held on 24th December 1963. The company however felt itself bound by the agreement of 18th December 1963 to take him back, and Shri Lobo was asked to resume work from 26th December as 25th was a holiday, and was paid full compensation for the period of suspension. It was made clear at that time however, that investigation regarding the missing cement bags was pending. After being fully satisfied that Shri Lobo was guilty of misappropriation of these cement bags, he was dismissed on 14th January 1964. The company further states, that it made an offer before the Conciliation Officer, that he may conduct an independent inquiry *de novo*, in which both the company and the workman should be allowed to produce their witnesses. This offer the company says was rejected. The company further states that it will produce the stores material requisition book, and bin cards, to show that the entries were made with dishonest intention, and it prays that the application of Shri Lobo be rejected.

4. The company filed a further written statement on 23rd June 1964 denying that the worker was demoted as alleged by the union. It says that as the company had apprehensions that if allowed to work in the stores, Shri Lobo may tamper with the evidence, he was asked to work as a time-keeper, but on the same salary and service conditions as before. It also says that further investigations were only completed on 24th December 1963 and the inquiry was confidential. The worker was therefore not made a party.

5. Shri Nair who appears on behalf of labour raises a legal objection that while the settlement arrived at during the conciliation according to which the management had undertaken to take back Shri Lobo in service unconditionally submitted, the services of Shri Lobo could not be legally terminated, and this ground by itself is sufficient for holding that the action of the management was illegal. I do not agree. The agreement took place after the incident of Shri Lobo being rude to the Engineer-in-charge Shri Schmook. Later, on an entirely different ground his services were terminated. If a particular misconduct is alleged against a worker and he is stopped from working, and then under an agreement is taken back on work, it does not mean that while the agreement is subsisting he cannot be punished for any other misconduct committed in the past, or is at liberty to commit any other misconduct he likes in future and becomes completely immune to any kind of punishment whatever.

6. Shri Nair says, that if the action taken by the company subsequent to this agreement cannot be considered as illegal merely on account of the existence of the agreement, the company's refusal to implement the agreement by finding out another pretext for terminating the services of the worker concerned, even before the day on which the agreement was to be implemented had arrived, clearly points to the company's desire to persecute and victimise Shri Lobo. He says, that the management appears to have made up its mind, ever since Shri Lobo started taking part in the activities of the union, and in representing the grievances of the workers, to get rid of him on some pretext or other. Shri Nair points out, that even before the 18th December 1963, the day of the incident of alleged disorderly behaviour took place, the company knew about the alleged shortage of cement bags. The subsequent enquiry was held merely in order to find out some other pretext, for getting rid of Shri Lobo who had become a *persona non-grata* on account of his union activities. In fact Shri Nair says, that no regular inquiry was held thereafter. The entry on which rests the charge of misappropriation of the cement bags is dated 14th December 1963. How is it then that the company did not discover till after it had signed the agreement? If the company had suspected on account of the entry that Shri Lobo had committed misappropriation of the company's property, it should have investigated the matter before, or soon after the 14th December 1963. Even if it learnt later than 18th December that such misappropriation had taken place, it could not in any case without any regular inquiry pass an order terminating the services of Shri Lobo. If the order is not legal on technical grounds, it certainly is illegal as being contrary to the principles of natural justice, mala fide, and manifestly actuated by a desire to victimise. Shri Nair points out that the Conciliation Officer also considered this action at the company as irregular. In para 3 page 2 of his report, he has remarked that at first the charge against the workman was only of misbehaviour with his superior. In this charge sheet there is no reference to the subsequent charge brought against the worker of misappropriation of the company's property. The present inquiries according to the company were made on 21st and 24th December. Even

after these inquiries the worker was allowed to resume work on 26th December. It is not clear what other charges were pending against him, what inquiries were made, and why the charge of misappropriation of cement bags was held proved against him, and his services were terminated on 14th January 1964. It is true that the company was at fault, in not holding a separate and regular inquiry in regard to the charge of misappropriation of cement bags after it had decided to take him back as time-keeper on 26-12-1963. The company has also not made it clear in its written statement how the charge was held proved in investigations held after 24th December, and why a worker who after that date was allowed to resume work subsequently was removed from service. But merely on the ground of irregularities in a domestic inquiry, or even in absence of it, the action taken against the worker cannot be considered illegal. It is the duty of the Tribunal to investigate and find out whether the misconduct with which the worker has been charged was committed by him. The Supreme Court in Punjab National Bank Ltd. and their workmen, 1959 II. L. L. J. p. 666, has held that merely because the management has not held an inquiry the worker cannot be reinstated and the action of the company declared illegal. In this respect their Lordships have observed as follows (see page 682):

«There is one more point which still remains to be considered and that is the effect of the bank's default in not holding an enquiry in the present case. If the bank has not held any enquiry, it cannot obviously contend before the tribunal that it has bona fide exercised its managerial functions and authority in passing the orders of dismissal and that the tribunal should be slow to interfere with the said orders. It is true as we have already pointed out that if the employer holds a proper inquiry, making a finding in respect of the alleged misconduct of the employee and then passes an order of dismissal the tribunal would be slow to interfere with such an order and would exercise its jurisdiction within the limits prescribed by the Court in the case of Indian Iron and Steel Company Ltd. (supra) 1958 I. L. L. J. 260.

But it follows that if no enquiry has in fact been held by the employer, the issue about the merits of the impugned order of dismissal is at large before the tribunal and, on the evidence adduced before it, the tribunal has to decide for itself whether the misconduct alleged is proved, and if yes, what would be proper order to make in such a case, the point about the exercise of managerial functions does not arise at all. This answers the argument which Mr. Sanyal has raised before us in his appeal».

7. I must consider the merits of the impugned order as at large before we, and take evidence, and make an inquiry, and decide the matter myself, and if it is found on the evidence produced before me, that the charge for which the worker was dismissed without an inquiry is proved, then in spite of the absence of inquiry the management's action must be upheld. Having this decision in mind I investigated the matter myself, summoned witnesses, and allowed the parties to produce their witnesses. The first witness who was examined on behalf of the management was Shri L. A. Correia, Administration Manager. He says in his statement recorded on 30th June 1964, that he held an inquiry on 24th December 1963, he produced the papers of the inquiry and said, that whatever is written therein is true. Shri Nair in his question suggested that no inquiry was held, all that has been written down was false, and that only one question was put to the worker and that was, why he handed over the requisition book to Shri Coiaço. This the witness denied. He says that a regular inquiry was held. This witness was also asked by Shri Nair as to why no mention was made of the cement bags in the inquiry of 18th December 1963. The witness says, that he came to know about it only on the 21st, and the inquiry of the 24th December related entirely to the misappropriation of cement bags. He also says however, that when he wrote the letter of 26th December he had completed the inquiry about the cement bags. He says that as further investigations were taking place Shri Lobo was allowed to resume work as a time-keeper.

8. The next witness produced on behalf of the company is Shri Schmook, who is the engineer-in-charge of the Vimson Workshop at Cortalm. He says that one entry in issue card No. 1690 dated 14th December 1963 of 10 bags of cement issued was not initialled by him. This issue was unauthorised. He says that if this was not in Shri Lobo's hand-writing Shri Lobo should have informed the office. He says that Shri Lobo at the time of the inquiry had mentioned that 8 bags of cement were short. This should have been mentioned to him earlier. According to Shri Schmook this entry was made in order to

cover the missing bags. In cross-examination he said, that the method followed for the issue of cement and other stores is that the person who requires them comes to him, and writes down what material he wants. The store-keeper then makes an entry, and he initials. If he is absent, his initials have later to be taken on the entry. The person-in-charge of the materials he says is the store-keeper, who should get the entry initialled. He admits however, that he also has the key of the stores, and that when the store-keeper is not there, he removes stores if necessary, and the store-keeper is informed about it the next day, so that he can make requisite entries in the book. He says that he keeps the record of entries on a piece of paper, and they are thrown away when the entry is made. There is no record book about this. He has also made it plain in his statement, that he does not accuse Mr. Lobo of removing cement bags. He says he is suspected because he has made a false entry. This entry shows that he had some ulterior and improper motive for covering up the fact, that the bags were missing.

9. The next witness is Shri G. D'Souza who is the most important witness, as he had written all the entries dated 14th December, 1963 including the entry of 10 cement bags. He says, that Shri Lobo, was the Chief Store-Keeper, that he has written the entry on Exhibit C/3 on 14th December, 1963 Card No. 1690 at the bidding of Shri Lobo. He also says, that 10 bags of cement were missing, and that is why Shri Lobo asked him to make this entry. Entries he says are made sometimes by him and sometimes by Shri Lobo. The object of Shri Lobo in asking him to write this entry he says was to cover the missing of these bags. He further says, that Shri Colago, the Supervisor, had told Shri Lobo that those bags were never used, but in spite of this Shri Lobo told him to write this entry of the issue of 10 cement bags. Exhibit U/1 dated 17th December, 1964 is an application of Shri Lobo signed by his assistant, to the Chairman complaining inter alia that the Chief Engineer (Shri Schmook) had utilised M. S. Joints, angles and cement to construct a new shed in the workshop in last July and August, and these have not been accounted for up-to-date, and that if anyone reminds him about it he shouts at them. This witness was shown this application, and he says that whatever is written in that application is true. Later he says, he signed this, because Shri Lobo compelled him to do so. Exhibit U/2 is a protest letter to the President of the Goa Dock Labour Union, Vasco da Gama, by the workers, against the action taken against Mr. T. V. Jacob, Assistant Mechanic, and Shri M. V. Lobo the Stores-in-charge, and in protest against this action it is threatened that the workers would go on strike. The witness admits having signed this. He was asked, to explain why he protested against Shri Lobo's services being terminated, when he knew that he was trying to cover the missing of the cement bags by getting false entry made. The witness hesitated a good deal, and did not answer this question for quite a long while, and then said, that he signed it, because he was removed from service, but that was not about the cement bags. He did not know at that time that the removal from service was on account of the cement bags.

10. Another signatory of Exhibit U/1 Shri A. D'Souza was produced by the union. This witness says that whatever is written in paras 2, 3 and 4 of this application is correct. Paragraph 4 is about Shri Schmook using the bags of cement for construction of shed unauthorisedly. What is written in other paragraphs he says he is not concerned with. He says that he cannot say whether the cement referred to in para 4 of Exhibit U/1 is the cement removed, from the stores for which Shri Lobo's services were terminated.

11. Another worker Shri P. M. Simon was also produced by the Union. This witness says, that he is the Chief Mechanic in Vimson Workshop at Cortalin where Shri Lobo is the Store-keeper and Shri Schmook the Work-shop Manager. Whenever any material is issued, he says, the store-keeper writes the requisition. Shri Schmook signs on the issue entry, and if he is not present, he signs it when he comes back. He says that he does not know why Shri Lobo's services were terminated, but he knew that at that time when they were terminated, that there was a shortage of cement. He has no personal knowledge of the misappropriation of cement alleged to have been committed by Shri Lobo. He says that while the inquiry was taking place, Shri Lobo was taken inside the room several times.

12. On behalf of the company Shri Correia says that the admission made at the inquiry of 24th December 1963 is sufficient to hold Shri Lobo guilty of misconduct alleged against him. He points out, that in answer to question No. 10 in the inquiry, Shri Lobo admits, that if he had minded his

duty properly, he should have written the requisition first, and then authorised the issue of the material. In answer to question No. 16 when he was asked whether this requisition appears to be fraudulent, he admits that it was. He also admits, in answer to question No. 11, that he had been remiss in not having written the requisition. When he was told during the enquiry that the management has come to the conclusion that he is responsible for the loss of cement bags, he admits that he was. Shri Correia says that he himself was present when these questions were answered and answered so was Shri Schmook and the Labour Officer Shri J. A. Kamat. Shri Correia has referred me to a decision of mine in *Tanu Ananda Gutar vs. Manager, Standard Mills Co. Ltd., Bombay, 1963 I. C. R. p.295*, which is to the effect that merely because the inquiry papers were not signed by the person by whom the inquiry was held, it cannot be concluded that he was not present at the inquiry, that the inquiry was irregular or improper or illegal. It is undoubtedly true, that the absence of signature by itself does not denote, that the inquiry did not take place at all; or whatever is written in the inquiry papers is false, provided it is established by evidence, that the inquiry in fact was held. This depends on the particular facts and circumstances of each case. If whatever is recorded in the inquiry papers of the 24th December is taken to be correct then Shri Lobo's admission may by itself be considered as sufficient for establishing his guilt. But for this I must be satisfied that the inquiry was regular and the worker concerned present throughout, and the answers were correctly recorded. The company itself in its additional written statement filed on 23rd June 1964 at page 2 has stated that the investigations which took place after the inquiry of 24th were of confidential nature which means that during those investigations Shri Lobo was not present. It also appears that the management took its final decision to dispense with the services of Shri Lobo on the basis of those investigations. After these admissions on the 24th December 1963 Shri Lobo was actually asked to rejoin service as a time-keeper. Under these circumstances I do not consider it safe to base my conclusion of Shri Lobo being guilty of misconduct of misappropriating cement bags merely on his alleged admission on 24th December 1963. For the company itself does not appear to have considered it sufficient for discharging the worker. I am also on the other hand not prepared merely because of the management's decision being based on investigations which were confidential, and during which Shri Lobo was not allowed to be present, to hold that the dispensing of his services was wholly wrong, and to reinstate him with compensation. I think the correct and the safest course would be to base my decision on the papers placed, and the evidence led before me. In regard to the evidence before me Shri Nair says that the management's omission to produce Shri G. D'Souza at the time of the inquiry, and its failure to take steps against Shri G. D'Souza also, who has made this entry, and is equally responsible for the missing of the 10 bags shows, that the charge against Shri Lobo is not genuine, and that the company is showing partiality to Shri G. D'Souza, and wants to persecute Shri Lobo who is an active member of the union. As I am not relying on the inquiry of the company, it is unnecessary to say much about the matter. I am not prepared to hold that merely because the company has not charge-sheeted Shri G. D'Souza that it is showing any partiality towards him, and antagonism towards Shri Lobo. Shri G. D'Souza has given me the impression of being a weak person who will easily yield to pressure and act according to the wishes of the persons who exercise it for the moment. The entries in the card of the issue of material were made sometimes by Shri G. D'Souza and sometimes by Shri Lobo. Shri G. D'Souza holds a subordinate position. The responsibility ultimately rested with Shri Lobo. It was his duty to examine that the entries were correct, and if there was any irregularity in them, to take steps to find out how it has occurred. Shri G. D'Souza has made these entries admittedly on 14th December 1963. This should have come to the notice of Shri Lobo before 17th December 1963. Shri Lobo makes no complaint about Shri Graciano D'Souza. Exhibit U/1 in which this complaint is made about Shri Schmook using up cement unauthorisedly for construction of the shed was written several days after the entry. To this Shri G. D'Souza is also a signatory. I am inclined to suspect that this application was also intended to cover the missing cement bags, and to forestall any action taken by the management, and to put the blame on Shri Schmook. If Shri Schmook was responsible for using up the cement bags unauthorisedly the matter would not have rested there. The union would have been informed about it, and this would have been the main defence in the inquiry and the main ground for reinstatement in the statement of claim. It is not even mentioned there. I do not place much reliance on Shri G.

D'Souza's evidence either way. Leaving it out of account I think that it is quite clear that Shri G. D'Souza made the entry at the bidding of Shri Lobo. If he had not done so Shri Lobo would have from the beginning pointed this out and held Shri G. D'Souza as the guilty party.

13. Another fact on which stress was laid by Shri Nair is that both Shri G. D'Souza and Shri Schmook had access to the cement bags and both could have with ease as Shri Lobo removed these bags and misappropriated them. He points out that Shri Schmook had admitted in his statement before me that in the absence of Shri G. D'Souza he sometimes makes entries and issues materials. It is possible that he asked Shri G. D'Souza to write these entries in the absence of Shri Lobo, and did not initial in order to put the blame on Shri Lobo who was interested in union activity and whom he wanted to get rid of. As I have stated if such an entry was wrongly made, Shri Lobo would have mentioned it in the application and set up this case from the beginning. It is unnecessary to repeat it, I have already discussed this above. It is difficult to believe as is suggested by Shri Nair on behalf of the Union that on 14th December, 1963 Shri Schmook had made up his mind to blame Shri Lobo for misappropriation of ten bags of cement and prepared a case against him. If on 17th December, 1963 the material for establishing a false charge of misappropriation of cement bags was ready against Shri Lobo he would have been charge-sheeted for that and not for rude and disorderly behaviour.

14. Lastly Shri Nair contends that for a charge of misappropriation it should be proved that the cement bags were removed from the premises by the person accused and appropriated to his own use. It appears from the statement of Shri Schmook himself he says, that nobody could take away the bags of cement without the watchman knowing it. The watchman was not produced either at the enquiry or here to show that ten bags of cement were removed by Shri Lobo.

The charge therefore must fail. I do not agree. It may be necessary in a criminal charge of misappropriation to prove this. In the present case Shri Schmook has made it quite plain that in fact Shri Lobo is charged with having been unable to account for the missing of 10 bags of cement and this is proved by the evidence. He does not say that he took away the cement bags and put it to his own use. It is a serious enough misconduct for a man in charge of the stores to be unable to account for the articles missing from the stores. It is not necessary for the company in order to take action against him to establish a criminal charge and prove his appropriating the property to his own use. There is a difference between the standard of proof required in a domestic inquiry for taking action against an employee, and that required for establishing a penal offence in a criminal court. In the latter the offence alleged has to be proved to the hilt, beyond any reasonable doubt by clear and satisfactory evidence, and the burden of such proof lies entirely on the prosecution. In domestic inquiries such as this, if the management has strong reason to believe that such misconduct has been committed, and it has acted in good faith, and has not violated any principles of natural justice, and was not actuated by any improper motives its order cannot be interfered with. The Industrial Tribunal or Labour Court cannot act, as if it was a court of criminal appeal, and go minutely into the details of the evi-

dence, and sift and weigh it as is expected in a criminal case from a court of appeal. Under the law of Master and Servant and the law of contract, the master, or the employer, has the right to terminate the services of his employees according to the terms of the contract. To a very limited extent for the protection of industrial workers, Industrial Tribunals are permitted to interfere in the power. The limits within which the orders of the employer can be interfered with have been strictly defined. These limits cannot be transgressed. The Supreme Court has repeatedly emphasised this. I shall be content here to give an extract in the case of Indian Iron & Steel Co. Ltd. & Anr. and their workmen, 1958 I. L. L. J. p. 260 at page 270:

.... In cases of dismissal on misconduct the tribunal does not, however, act as a court of appeal and substitute its own judgment for that of the management. It will interfere.

- (i) when there is a want of good faith,
- (ii) when there is victimization or unfair labour practice,
- (iii) when the management has been guilty of a basic error or violation of a principle of natural justice, and
- (iv) when on the materials, the finding is completely baseless or perverse.

In our view, Abharani's case comes under Cl. (iv) above». The principles laid down here have been reiterated and confirmed in recent pronouncements. The tribunals will only interfere when the circumstances exist. In the present case judging from this standard I do not find sufficient justification for interfering in the order of termination of the services of Shri Lobo. As I have already pointed out above, his failure to bring to the notice of his superior the entry of ten bags uninitialled by the engineer-in-charge confirms the evidence of Shri Schmook, that these bags were missing, and not accounted for, and it must be held that Shri Lobo cannot be exonerated from the charge of failure to account for the missing of 10 bags of cement from the stores. In fact there is strong reason to suspect that the entry was made deliberately to cover up the misappropriation of these bags either at the instance, or by the connivance of Shri Lobo. Inability to account for material which was in his charge and is missing, is a serious misconduct on a store-keeper. The management in such a case is justified in losing confidence in him and dispensing with his services.

15. For the aforesaid reasons the demand made in this reference for Shri Lobo's reinstatement with compensation by the union is dismissed.

S. TAKI BILGRAMI  
Industrial Tribunal

Bombay, 11th July, 1964.  
(AF).

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 12th July, 1964.

### Office of the Labour Commissioner

Notification  
L/C/6/64/A

In exercise of the powers conferred by clause (e) of sub-section (2) of Section 7 of the Payment of Wages Act, 1936 (IV of 36) the Government of Goa, Daman and Diu is pleased to authorise deductions from the wages of the employed persons towards supplies made on credit to them from Fair Price Shops opened by the employers, subject to the following conditions:

1. Deductions shall be made only on a written authorisation to be given in advance by the employed person to the employer;
2. Any such deductions in the aggregate including all other deductions made under section 7 of the Act, shall not exceed 75% of the wages of the employed person in any wage period.

By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 21st July, 1964.

### Repartição do Comissário do Trabalho

Despacho  
L/C/6/64/A

No uso das faculdades conferidas pela alínea (e) do § (2) do artigo 7º de «The Payment of Wages Act, 1936 (IV of 1936)», o Governo de Goa, Damão e Diu, autoriza que sejam feitos descontos nos salários dos respectivos empregados pelos fornecimentos a crédito a eles feitos pelas lojas de preço módico abertas por patrões, sujeitos às seguintes condições:

1. Os descontos poderão ser feitos sómente quando o empregado tenha dado, previamente, uma autorização por escrito ao patrão;
2. Tais descontos, no total, incluindo todos os demais descontos feitos ao abrigo do artigo 7º do referido Act, não poderão exceder 75 por cento do salário do respectivo empregado em qualquer período de salário.

Por ordem e em nome do Administrador do território da União de Goa, Damão e Diu.

B. K. Chougule, Secretário do Departamento de Indústrias e Trabalho.

Pangim, 21 de Julho de 1964.

Notification  
LC/6/64/B

In exercise of the powers conferred by clause (j) of sub-section (2) of Section 7 of the Payment of Wages Act, 1936 (IV of 36) the Government of Goa, Daman and Diu is pleased to approve all Co-operative Societies including Consumers Co-operative Societies and Stores subject to the following conditions:

1. The Consumers Society/Store should be registered under the Maharashtra Co-operative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu.
  2. The deductions in the aggregate, inclusive of all other deductions made under Section 7 of the Act should not exceed 75% of the wages of an employed person in a wage period, and
  3. There should be no provisions in the bye-laws of the Society/Store which conflict with the provisions of the Payment of Wages Act, 1936.
- By order and in the name of the Administrator of the Union Territory of Goa, Daman and Diu.

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 21st July, 1964.

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High Court of Goa

Session of 13th August, 1963

Decisions

No. 2952 — Relator — Justice Alvaro Dias — Civil appeal — Damão — Appellants: Shiavax Sorabji Damanwalla, proprietor, residing in Damão — Appellees: Jehambux Dhanjibhai Masani, his wife, and others, residing in Bombay. The appeal was partly allowed.

No. 2973 — Relator — Justice Antonio Furtado — Summary appeal — Ilhas de Goa — Appellant: The Public Prosecutor — Appellee: Camilo Martinho Francisco da Cunha, proprietor and miner, residing in Duler, Mapuca. The effect was maintained.

No. 2790 — Relator — Justice Jose Paulo Teles — Civil appeal — Ilhas de Goa — Appellants: The Devalaya Xri Xantadurga and its branches, from Tiurem — Appellees: Narana Putto Gauncar and others, from Tiurem. The appeal was dismissed.

No. 2988 — Relator — Justice Jose Paulo Teles — Penal appeal — Damão — Appellant: The Public Prosecutor — Appellees: Lacmane Mada, Narana Uca and Govinda Lacmane. The appeal was dismissed.

No. 3022 — Relator — Justice Antonio Furtado — Penal appeal — Bicholim — Appellant: The Public Prosecutor — Appellee: Narcinva Manguexa Moroscar, from Naroá. The appeal was found unacceptable.

No. 3032 — Relator — Justice Antonio Furtado — Civil appeal — Bardez — Appellant: Srirama Saunlo Belecar, from Moira — Appellee: Francisco Xavier de Souza, from the same place. The appeal was dismissed.

Office of the High Court of Goa, 13th August, 1963. — The Secretary of the High Court, Dilipa Vinaica Coissoro.

Session of 16th August, 1963

Decisions

No. 2972 — Relator — Justice Jose Paulo Teles — Penal appeal — Salcete — Appellant: The Public Prosecutor. The appeal was allowed but the charge was altered.

No. 2989 — Relator — Justice Jose Paulo Teles — Penal appeal — Bardez — Appellant: The Public Prosecutor. The appeal was not allowed.

No. 2490 — Relator — Justice Jose Paulo Teles — Penal appeal — Ilhas de Goa — Appellant: Pedro Fernandes, residing in Mercês — Appellees: Rama Crisna Xete Raicar and other, residing in the same place. The appeal was allowed.

No. 2784 — Relator — Justice Antonio Furtado — Civil appeal — Ilhas de Goa — Appellant: Vassanta Balcrisna Monercar, residing in Cidade de Goa — Appellee: Maria Jose Matilde Júlia Francisca Pudenciana da Gama. The appeal was not allowed.

Office of the High Court of Goa, 16th August, 1963. — The Secretary of the High Court, Dilipa Vinaica Coissoro.

Despacho  
LC/6/64/B

No uso das faculdades conferidas pela alínea (j) do § (2) do artigo 7º de «The Payment of Wages Act, 1936, (IV of 36)», o Governo de Goa, Daman e Diu, aprova todas as Sociedades Cooperativas, incluindo Sociedades Cooperativas para Consumidores e lojas, sujeito às seguintes condições:

1. A Sociedade para Consumidores ou estabelecimento deverá estar registrado ac abrigo de «The Maharashtra Co-operative Societies Act, 1960» conforme foi tornado extensivo ao território da União de Goa, Daman e Diu.
2. Os descontos, no total, incluindo todos os demais descontos ao abrigo do artigo 7º do referido Act, não deverão exceder 75 por cento do salário do respectivo empregado em qualquer período de salário.
3. O regulamento da Sociedade ou estabelecimento não deverá conter nenhuma disposição que esteja em contradição com as disposições de «The Payment of Wages Act, 1936».

Por ordem e em nome do Administrador do território da União de Goa, Daman e Diu.

B. K. Chougule, Secretário do Departamento de Indústrias e Trabalho.

Pangim, 21 de Julho de 1964.

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Tribunal da Relação de Goa

Sessão de 13 de Agosto de 1963

Decisões

N.º 2952 — Relator: O Ex.<sup>mo</sup> Desembargador Dr. Álvaro Dias. Agravo civil de Damão. Agravantes, Shiavax Sorabji Damanwalla, proprietário, residente em Damão; agravados, Jehambux Dhanjibhai Masani e sua mulher e outros residentes em Bombaim. Dado provimento em parte.

N.º 2973 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Apelação sumária das Ilhas de Goa. Apelante, o Ministério Público; apelado, Camilo Martinho Francisco da Cunha, proprietário e mineiro, residente em Duler de Mapuca. Mantido o efeito.

N.º 2790 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Apelação civil das Ilhas de Goa. Apelantes, a Devalaia de Xri Xantadurga e suas filiais, de Tiurém; apelados, Narana Putto Fottó Gauncar e outros, de Tiurém. Negado provimento.

N.º 2988 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Recurso penal de Damão. Recorrente, o Ministério Público; recorridos, Lacmane Madá, Narana Uca e Govinda Lacmane. Negado provimento.

N.º 3022 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Recurso penal de Bicholim. Recorrente, o Ministério Público; recorrido, Narcinva Manguexa Moroscar, de Naroá. Julgado deserto o recurso.

N.º 3032 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Apelação civil de Bardés. Apelante, Srirama Saunlo Belecar, de Moirá; apelado, Francisco Xavier de Sousa, da dita. Desatendida a reclamação.

Secretaria da Relação de Goa, 13 de Agosto de 1963. — O Secretário da Relação, Dilipa Vinaica Coissoro.

Session of 16th August, 1963

Decisões

N.º 2972 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Recurso penal de Salcete. Recorrente, o Ministério Público. Dado provimento mas com alteração da incriminação.

N.º 2989 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Recurso penal de Bardés. Recorrente, o Ministério Público. Negado provimento.

N.º 2490 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Recurso penal das Ilhas de Goa. Recorrente, Pedro Fernandes, residente nas Mercês; recorridos, Ramā Crisna Xete Raicar e outro, residentes na mesma. Dado provimento.

N.º 2784 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Apelação civil das Ilhas de Goa. Apelante, Vassanta Balcrisna Monercar, residente na cidade de Goa; apelada, Maria José Matildes Júlia Francisca Pudenciana da Gama. Negado provimento.

Secretaria da Relação de Goa, 16 de Agosto de 1963. — O Secretário da Relação, Dilipa Vinaica Coissoro.

Session of 26th August, 1963

## Decisões

No. 2901 — Relator — Justice Antonio Furtado — Civil appeal — Bicholim — Appellant: Vitoba Loximona Gadi, from Latambarcem — Appellee: The Society Gomantaca Daivadnia Bramono Samajotcarshak Saunsta, from Margão. The appeal was not allowed.

No. 2939 — Relator — Justice Jose Paulo Teles — Penal appeal — Salcete — Appellant: João Menezes, from Margão, at present under imprisonment — Appellee: The Public Prosecutor. The main appeal was not allowed. The secondary appeal was allowed.

No. 2880 — Relator — Justice Antonio Furtado — Penal appeal — Ilhas de Goa — Appellants: Manorama Naique, from Dongrim, Mandur, and Roidás Horichondra Naique Maencar, from the same place, at present under imprisonment — Appellee: The Public Prosecutor. The appeal was not allowed.

Office of the High Court of Goa, 26th August, 1963. — The Secretary of the High Court, *Dilipa Vinaica Coissoro*.

Session of 27th August, 1963

## Decisões

No. 2974 — Relator — Justice Jose Paulo Teles — Civil appeal — Bardez — Appellants: Visvonata Hori Sinai Carapucar and his wife, residing in Mapuça — Appellee: Ramanata Sinai Agni, residing in Assolna. The appeal was not allowed.

No. 2990 — Relator — Justice Jose Paulo Teles — Civil appeal — Ilhas de Goa — Appellant: The Public Prosecutor — Appellee: Manuel Jose Pinto, proprietor, residing in Porvorim. It was decided to take cognizance.

Office of the High Court of Goa, 27th August, 1963. — The Secretary of the High Court, *Dilipa Vinaica Coissoro*.

Session of 30th August, 1963

## Decisões

No. 3025 — Relator — Justice Jose Paulo Teles — Penal appeal — Ilhas de Goa — Appellants: 1st The Public Prosecutor — 2nd Francisco Pereira, from Batim, Goa Velha — Appellee: The same. The sentence was altered.

No. 2995 — Relator — Justice Jose Paulo Teles — Penal appeal — Ilhas de Goa — Appellant: The Public Prosecutor — Appellees: Roguvira Narana Candalcar and others. The sentence was altered.

No. 3008 — Relator — Justice Antonio Furtado — Civil appeal — Mormugao — Appellant: Odumbar Khashinata Porobo, from Colem — Appellee: The Administration of the Port and Railways of Mormugao. It was decided to take cognizance of the appeal.

No. 2799 — Relator — Justice Antonio Furtado — Penal appeal — Ilhas de Goa — Appellant: Vassudeva Data Quenim Robolo, proprietor, from Cuncolim — Appellee: The Public Prosecutor. The appeal was not allowed.

No. 2977 — Relator — Justice Antonio Furtado — Penal appeal — Bardez — Appellant: Camala Maencarina, from Mapuça — Appellee: Govinda Corgaocar, from Carasvado, Mapuça. The appeal was allowed.

Office of the High Court of Goa, 30th August, 1963. — The Secretary of the High Court, *Dilipa Vinaica Coissoro*.

Session of 6th September, 1963

## Decisões

No. 2877 — Relator — Justice Jose Paulo Teles — Civil appeal — Salcete — Appellant: Pracaxa Rajarama Hedo, from Betim — Appellee: Narcinva Damodora Naique, from Margão. The appeal was allowed.

No. 2978 — Relator — Justice Jose Paulo Teles — Penal appeal — Ilhas de Goa — Appellant: Marcos Marcelino Paulo de Souza, residing in this city — Appellee: Tito Rodrigues, from Siolim. The appeal was not allowed.

No. 3027 — Relator — Justice Antonio Furtado — Penal appeal — Damão — Appellant: Pedro Nolasco Luis Coutinho, from Damão-Pequeno — Appellee: The Public Prosecutor. The sentence was altered.

No. 3045 — Relator — Justice Alvaro Dias — Penal appeal — Quêpem — Appellants: Vitola Nilu Naique Dessai, from Quindolem and other — Appellee: The Public Prosecutor. A diligence was ordered and the decision was published.

Office of the High Court of Goa, 6th September, 1963. — The Secretary of the High Court, *Dilipa Vinaica Coissoro*.

Sessão de 26 de Agosto de 1963

## Decisões

N.º 2907 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Agravo civil de Bicholim. Agravante, Vitoba Loximona Gadi, de Latambarcem; agravada, a Associação Gomantaca Daivadnia Bramono Samajotcarshak Saunsta, de Margão. Desatendida a reclamação.

N.º 2939 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Recurso penal de Salcete. Recorrente, João Menezes, de Margão, ora preso; recorrido, o Ministério Público. Negado provimento ao recurso principal. Dado provimento ao segundo.

N.º 2880 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Recurso penal das Ilhas de Goa. Recorrentes, Manorama Naique, de Dongrim de Mandur e Roidás Horichondra Naique Maencar da dita, ora preso; recorrido, o Ministério Público. Indeferido o requerimento.

Secretaria da Relação de Goa, 26 de Agosto de 1963. — O Secretário da Relação, *Dilipa Vinaica Coissoro*.

Sessão de 27 de Agosto de 1963

## Decisões

N.º 2974 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Agravo civil de Bardês. Agravantes, Visvonata Hori Sinai Carapucar e mulher, residentes em Mapuça; agravado, Ramanata Sinai Agni, residente em Assolna. Negado provimento.

N.º 2990 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Agravo civil das Ilhas de Goa. Agravante, o Ministério Público; agravado, Manuel José Pinto, proprietário, residente em Porvorim. Decidido dever tomar conhecimento.

Secretaria da Relação de Goa, 27 de Agosto de 1963. — O Secretário da Relação, *Dilipa Vinaica Coissoro*.

Sessão de 30 de Agosto de 1963

## Decisões

N.º 3025 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Recurso penal das Ilhas de Goa. Recorrentes, 1<sup>o</sup> o Ministério Público; 2<sup>o</sup> Francisco Pereira, de Batim de Goa-Velha; recorridos, os mesmos. Alterada a pena.

N.º 2995 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Recurso penal das Ilhas de Goa. Recorrente, o Ministério Público; recorridos, Roguvira Narana Candalcar e outros. Alterada a pena.

N.º 3008 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Agravo civil de Mormugão. Agravante, Odumbar Khashinata Porobo, de Colem; agravada, a Administração do Porto e Caminho de Ferro de Mormugão. Decidido tomar conhecimento do recurso.

N.º 2799 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Recurso penal das Ilhas de Goa. Recorrente, Vassudeva Data Quenim Robolo, proprietário, de Cuncolim; recorrido, o Ministério Público. Negado provimento.

N.º 2977 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Recurso penal de Bardez. Recorrente, Camala Maencarina, de Mapuça; recorrido, Govinda Corgaocar, de Carasvado, de Mapuça. Dado provimento.

Secretaria da Relação de Goa, 30 de Agosto de 1963. — O Secretário da Relação, *Dilipa Vinaica Coissoro*.

Sessão de 6 de Setembro de 1963

## Decisões

N.º 2877 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Ape- lação civil de Salcete. Apelante, Pracaxa Rajarama Hedo, de Betim; apelado, Narcinva Damodora Naique, de Margão. Dado provimento.

N.º 2978 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Recurso penal das Ilhas de Goa. Recorrente, Marcos Marcelino Paulo de Souza, residente nesta cidade; recorrido, Tito Rodrigues, de Siolim. Negado provimento.

N.º 3027 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Recurso penal de Damão. Recorrente, Pedro Nolasco Luis Coutinho, de Damão-Pequeno; recorrido, o Ministério Pú- blico. Alterada a sentença.

N.º 3045 — Relator: O Ex.<sup>mo</sup> Desembargador Dr. Alvaro Dias. Recurso penal de Quepem. Recorrentes, Vitola Nilu Naique Dessai, de Quindolem e outro; recorrido, o Ministério Pú- blico. Ordenada uma diligência e publicado o acórdão.

Secretaria da Relação de Goa, 6 de Setembro de 1963. — O Secretário da Relação, *Dilipa Vinaica Coissoro*.

## Session of 10th September, 1963

## Decisões:

No. 2950 — Relator — Justice José Paulo Teles — Penal appeal — Bicholim — Appellant: Roguvira Visnum Sinai Borcar, from Sanquelim — Appellee: Caxinata Xete Bandecar, commonly known as Bicaro, from Cudnem. The suspension was ordered (article 3 of C. P. Penal).

No. 2961 — Relator — Justice José Paulo Teles — Penal appeal — Bicholim — Appellants: 1st — The Public Prosecutor — 2nd: Chandracanta Maencar and others, under imprisonment — Appellees: The same. It was decided not to take cognizance of the appeals on pg. 225 and pg. 227.

No. 3026 — Relator — Justice José Paulo Teles — Penal appeal — Quepem — Appellant: Sricanta Baburai Fotto Dessai, from Curchorem — Appellee: The Public Prosecutor. The appeal was not allowed.

No. 3059 — Relator — Justices Antonio Furtado — Civil appeal — Salcete — Appellant: Camilo Gomes, from Margão — Appellees: Atmarama Xembu Poi Palondicar, from Margão, and others. The appeal was not allowed.

No. 3053 — Relator — Justice Antonio Furtado — Penal appeal — Bicholim — Appellants: 1st — The Public Prosecutor — 2nd: Velayudhan Chatu Isuvan, at present under imprisonment. Appellees: The same. The appeal was not allowed.

No. 2957 — Relator — Justice Antonio Furtado — Civil appeal — Salcete — Appellant: Govinda Naraina Lottecar, from Margão — Appellee: Roguvira Naraina Lottecar, from the same place. The desistence was considered valid.

No. 3014 — Relator — Justice Antonio Furtado — Summary appeal — Bardez — Appellants: Madeva Ramanata Xete Sangodcar and others. A diligence was ordered.

No. 3069 — Relator — Justice Alvaro Dias — Civil appeal — Ilhas de Goa — Appellant: Vicente Fernandes, residing in Mercês — Appellee: Panduronga Sucdo Maencar, residing in Santa-Ines. The appeal was not allowed and it was ordered that the allegations be separated.

No. 3044 — Relator — Justice Alvaro Dias — Penal appeal — Bicholim — Appellant: Gones Budgo Naique, from Odaulim — Appellee: The Public Prosecutor. The appeal was not allowed.

No. 3072 — Relator — Justice Alvaro Dias — Penal appeal — Salcete — Appellant: The Public Prosecutor — Appellees: Pedro Fernandes and Reniga Coutinho, from Seraulim. The sentence was confirmed.

Office of the High Court of Goa, 10th September, 1963. — The Secretary of the High Court, Dilipa Vinaica Coissoro.

## Sessão de 10 de Setembro de 1963

## Decisões:

N.º 2950 — Relator: O Ex.º Juiz Dr. José Paulo Teles. Recurso penal de Bicholim. Recorrente, Roguvira Visnum Sinai Borcar, de Sanquelim; recorrido, Caxinata Xete Bandecar, valgo Bicaro, de Cudném. Ordenada a suspensão (artigo 3º do C. P. Penal).

N.º 2961 — Relator: O Ex.º Juiz Dr. José Paulo Teles. Recurso penal de Bicholim. Recorrente, 1.º, o Ministério Público; 2.º, Chandracanta Maencar e outros presos; recorridos, os mesmos. Decidido não tomar conhecimento dos recursos de fls. 225 e fls. 227.

N.º 3026 — Relator: O Ex.º Juiz Dr. José Paulo Teles. Recurso penal de Quepem. Recorrente, Sricanta Baburai Fotto Dessai, de Curchorem; recorrido, o Ministério Público. Negado provimento.

N.º 3059 — Relator: O Ex.º Juiz Dr. António Furtado. Agravo civil de Salcete. Agravante, Camilo Gomes, de Margão; agravados, Atmarama Xembu Poi Palondicar, de Margão e outros. Negado provimento.

N.º 3053 — Relator: O Ex.º Juiz Dr. António Furtado. Recurso penal de Bicholim. Recorrentes, 1.º, o Ministério Público; 2.º, Velayudhan Chatu Isuvan, ora preso; recorridos, os mesmos. Negado provimento.

N.º 2957 — Relator: O Ex.º Juiz Dr. António Furtado. Agravo civil de Salcete. Agravante, Govinda Naraina Lottecar, de Margão; agravado, Roguvira Naraina Lottecar, da dita. Julgada válida a desistência.

N.º 3014 — Relator: O Ex.º Juiz Dr. António Furtado. Apelação sumária de Bardê. Apelantes, Madeva Ramanata Xete Sangodcar e outro. Ordenada uma diligência.

N.º 3069 — Relator: O Ex.º Desembargador Dr. Alvaro Dias. Agravo civil das Ilhas de Goa. Agravante, Vicente Fernandes, residente nas Mercês; agravado, Panduronga Sucdo Maencar, residente em Santa Inês. Indeferido o requerimento e ordenado o desentranhamento das alegações.

N.º 3044 — Relator: O Ex.º Desembargador Dr. Alvaro Dias. Recurso penal de Bicholim. Recorrente, Gonês Budgo Naique, de Odaulim; recorrido, o Ministério Público. Negado provimento.

N.º 3072 — Relator: O Ex.º Desembargador Dr. Alvaro Dias. Recurso penal de Salcete. Recorrente, o Ministério Público; recorridos, Pedro Fernandes e Reniga Coutinho, de Seraulim. Confirmada a sentença.

Secretaria da Relação de Goa, 10 de Setembro de 1963. — O Secretário da Relação, Dilipa Vinaica Coissoro.

## Session of 13th September, 1963

## Decisões:

No. 3011 — Relator — Justice José Paulo Teles — Penal appeal — Quepem — Appellant: Direlal Gandhi, residing in Sancordem — Appellee: The Public Prosecutor. The sentence and the indemnity were altered.

No. 3051 — Relator — Justice José Paulo Teles — Penal appeal — Quepem — Appellant: The firm S. Khantilal & Co. Ltd., with head office at Margão — Appellee: The Public Prosecutor. The appeal was not allowed.

No. 3029 — Relator — Justice José Paulo Teles — Civil appeal — Ilhas de Goa — Appellant: P. G. Virgincar & Co., from Margão — Appellee: Antonio Soares, residing in Cidade de Goa. The appeal was allowed.

No. 3081 — Relator — Justice José Paulo Teles — Penal appeal — Quepem — Appellant: Vassantaram Ganpatram Metha, from Vasco da Gama — Appellee: The Public Prosecutor. The appeal was not allowed.

No. 2940 — Relator — Justice Antonio Furtado — Civil appeal — Ilhas de Goa — Appellant: Ramachandra Panduronga Dondo, from Savoi-Verem, Pondá — Appellees: Damodar Jaydev Dhond, residing in Goa, and others. It was decided not to take cognizance of the appeal and a diligence was ordered.

No. 3021 — Relator — Justice Alvaro Dias — Penal appeal — Ilhas de Goa — Appellants: Vamona U. Dessai and other, residing in this city; appellees: The Public Prosecutor and others. The appeal was allowed.

No. 3006 — Relator — Justice Alvaro Dias — Penal appeal — Ilhas de Goa — Appellant: Surexa Damodora Sinai Bobo, residing in Goa-Velha — Appellee: The Public Prosecutor. The appeal was partly allowed and the fine was pardoned.

No. 3052 — Relator — Justice Alvaro Dias — Penal appeal — Bardez — Appellant: The Public Prosecutor — Appellee: Sebastião de Souza, at present under imprisonment. The sentence was altered.

Office of the High Court of Goa, 13th September, 1963. — The Secretary of the High Court, Dilipa Vinaica Coissoro.

## Sessão de 13 de Setembro de 1963

## Decisões:

N.º 3011 — Relator: O Ex.º Juiz Dr. José Paulo Teles. Recurso penal de Quepem. Recorrente, Direlal Gandhi, residente em Sancordem; recorrido, o Ministério Público. Alterada a sentença e a indemnização.

N.º 3051 — Relator: O Ex.º Juiz Dr. José Paulo Teles. Recurso penal de Quepem. Recorrente, a Firma S. Khantilal e Cia. Ltd., com sede em Margão; recorrido, o Ministério Público. Negado provimento.

N.º 3029 — Relator: O Ex.º Juiz Dr. José Paulo Teles. Agravo civil das Ilhas de Goa. Agravante, P. G. Virgincar e C.º, de Margão; agravado, António Soares, residente nesta cidade de Goa. Dado provimento.

N.º 3081 — Relator: O Ex.º Juiz Dr. José Paulo Teles. Recurso penal de Quepem. Recorrente, Vasantaram Ganpatram Metha, de Vasco da Gama; recorrido, o Ministério Público. Negado provimento.

N.º 2940 — Relator: O Ex.º Juiz Dr. António Furtado. Agravo civil das Ilhas de Goa. Agravante, Ramachandra Panduronga Dondo, de Savoi-Verem de Pondá; agravados, Damodar Jaydev Dhond, residente em Goa e outros. Decidido não tomar conhecimento do recurso e ordenada uma diligência.

N.º 3021 — Relator: O Ex.º Desembargador Dr. Alvaro Dias. Recurso penal das Ilhas de Goa. Recorrentes, Vamona U. Dessai e outro, residentes nesta cidade; recorridos, o Ministério Público e outros. Dado provimento.

N.º 3006 — Relator: O Ex.º Desembargador Dr. Alvaro Dias. Recurso penal das Ilhas de Goa. Recorrente, Surexa Damodora Sinai Bobo, residente em Goa-Velha; recorrido, o Ministério Público. Dado provimento em parte e amnistiado a multa.

N.º 3052 — Relator: O Ex.º Desembargador Dr. Alvaro Dias. Recurso penal de Bardez. Recorrente, o Ministério Público; recorrido, Sebastião de Sousa, ora preso. Alterada a sentença.

Secretaria da Relação de Goa, 13 de Setembro de 1963. — O Secretário da Relação, Dilipa Vinaica Coissoro.

Session of 17th September, 1963

## Decisions

No. 2960 — Relator — Justice Jose Paulo Teles — Civil appeal — Salcete — Appellant: Augusto Rodrigues, from Margão — Appellee: Maria Lucrecia Fernandes, from Raia. The appeal was not allowed.

No. 3023 — Relator — Justice Jose Paulo Teles — Penal appeal — Ilhas de Goa — Appellant: Rosario Cruz Fernandes, residing in Agaçaim — Appellee: The Public Prosecutor. The penalty was altered.

No. 3030 — Relator — Justice Antonio Furtado — Penal appeal — Ponda — Appellant: Panduronga Ragoba Fotto, from Betqui — Appellees: Sripoti Ramachandra Vaidia, residing in Cidade de Goa (private plaintiff) and the Public Prosecutor. The appeal was allowed.

No. 2984 — Relator — Justice Antonio Furtado — Civil appeal — Quepem — Appellant: Lalchandrai Caxinata Porobo Dessai, from Lollem, Canacona — Appellee: Lalita Poi or Lalita Cossombo, from Sanguem. The appeal was not allowed.

No. 2996 — Relator — Justice Antonio Furtado — Summary appeal — Bardez — Appellant: Jeganata Crisanata Porobo Mambrô, residing in Mapuga — Appellee: Gonessa Roulu Xete Tar, from the same place. The counter allegation of the appellee was ordered to be separated and the decision was published.

No. 3066 — Relator — Justice Antonio Furtado — Civil appeal — Salcete — Appellant: João Santana Gomes, from Margão — Appellee: Naraina Sinai Candeaparcar, from Margão. The appeal allowed.

No. 3003 — Relator — Justice Alvaro Dias — Penal appeal — Quepem — Appellant: Manuel Salvador Valerio Dias, from Margão — Appellee: The Public Prosecutor. The appeal was not allowed.

Office of the High Court of Goa, 17th September, 1963.—  
The Secretary of the High Court, Dilipa Vinaica Coissoro.

Sessão de 17 de Setembro de 1963

## Decisões

N.º 2960 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Ape- lação civil de Salcete. Apelante, Augusto Rodrigues, de Margão; apelada, Maria Lucrecia Fernandes, da Raia. Ne- gado provimento.

N.º 3023 — Relator: O Ex.<sup>mo</sup> Juiz Dr. José Paulo Teles. Re- curso penal das Ilhas de Goa. Recorrente, Rosário Cruz Fernandes, residente em Agaçaim; recorrido, o Ministério Público. Alterada a pena.

N.º 3030 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Re- curso penal de Ponda. Recorrente, Panduronga Ragobá Fotto, de Betqui; recomendados, Sripoti Ramachandra Vaidia, residente na cidade de Goa (queixoso particular) e o Míni- stério Público. Dado provimento.

N.º 2984 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Agravo civil de Quepém. Agravante, Lalchandrai Caxinata Porobo Dessai, de Lolém de Canácona; agravada, Lalita Poi, ou Lalita Cossombó, de Sanguém. Desatendida a reclamação.

N.º 2996 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Ape- lação sumária de Bardés. Apelante, Jeganata Crisanata Porobo Mambrô, residente em Mapugá; apelado, Gonessa Roulu Xete Tar, da dita. Mandado desentranhar a contra- alegação do recorrido e publicado o acórdão.

N.º 3066 — Relator: O Ex.<sup>mo</sup> Juiz Dr. António Furtado. Agra- vo civil de Salcete. Agravante, João Santana Gomes, de Mar- gão; agravado, Naraina Sinai Candeaparcar, da dita de Margão. Dado provimento.

N.º 3003 — Relator: O Ex.<sup>mo</sup> Desembargador Dr. Álvaro Dias. Recurso penal de Quepém. Recorrente, Manuel Salvador Valério Dias, de Margão; recorrido, o Ministério Público. Negado provimento.

Secretaria da Relação de Goa, 17 de Setembro de 1963.— O Secretário da Relação, Dilipa Vinaica Coissoro.